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# The ethics of victim voice in Domestic Homicide Reviews

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## Abstract

Domestic Homicide Reviews (DHRs) are publicly available and provide an anonymised account of intimate partner or family homicides in England and Wales, largely by describing the circumstances before a victim's death. They aim to reduce the likelihood of future homicides by identifying, learning and using this to improve prevention and intervention strategies. Epistemologically, DHRs are infused with ethical tensions. In practice, while statutory guidance sets out how to undertake DHRs, there is no shared ethical code of conduct to assist practitioners in conceptualising or navigating ethical debates and dilemmas. Researchers face similar challenges. As published documents, DHRs are open access and have largely been analysed in aggregate as secondary data. However, their accessibility has led to a lack of critical attention to matters of consent, anonymity or privacy or the discursive practices in their production. To date then, ethical issues have been little considered in DHRs. Utilising a researcher and practitioner perspective, this paper considers ethical issues, in particular those that concern victim subjectivity. This can be described in DHRs as 'victim voice' and is often taken for granted. Conceptual and practical implications are discussed, including considerations for both practitioners and researchers that might more fully foreground victim voice.

## Introduction

Domestic homicide is a global health issue, with killings by intimate partners or family members disproportionately affecting women (UNODC, 2018). In England and Wales, 366 domestic homicides were recorded in the three years to March 2018, with 74% involving women being killed by men (ONS, 2019, p.19). To better understand these homicides, Domestic Homicide Reviews (DHRs) were introduced in 2011.

My interest in DHRs is twofold. First, my research considers the discursive practices of DHRs. Second, I lead them as a practitioner. Thus, as a researcher-practitioner, my positionality could itself be the subject of this paper. Instead, I draw on my positionality to engage with the ethical considerations that arise in the 'doing' of DHRs (a term I use to describe the operational and discursive practices involved). I focus specifically on victim subjectivity (often described as 'victim voice') for two reasons. First, victims are – nominally at least – the focal concern of DHRs, given their death is the trigger event. Second, as a practitioner, I wrestle with the representation of victim(s) in the DHRs I lead and believe this is an issue that requires both academic and practice attention.

This paper is divided into four parts. The first describes the DHR process and the second sketches ethical considerations to date. Having contextualised DHRs, section three engages with victim subjectivity, before section four considers the implications for practitioners and researchers and makes suggestions to more fully foreground victim subjectivity.

## Purpose and practice

In common with review processes internationally (known collectively as 'fatality reviews'), DHRs consider the circumstances of a domestic homicide (Websdale et al., 1999). At their broadest, fatality reviews seek to prevent future homicides by understanding what happened, identifying learning and improving intervention strategies (Bugeja et al., 2015).

DHRs were introduced in legislation in 2004. However, they were not implemented until 2011, when statutory guidance – since revised twice – was issued governing their conduct (Home Office, 2011, 2013, 2016b). The purposes of DHRs are learning, acting on and applying lessons learnt from domestic homicide; preventing domestic violence by improving service responses by intervening earlier; better understanding domestic violence and abuse; and highlighting good practice (Home Office, 2016b, p.6). In summary, they 'illuminate the past to make the future safer' (Mullane, 2017, p.261). While national in scope, DHRs are delivered locally: Community Safety Partnerships (CSPs)<sup>1</sup> are responsible for commissioning DHRs into killings by a former or current intimate partner, family member(s) or a member of the same household. DHRs are led by an independent chair, who works with a multi-agency panel comprised of agencies that had contact with the

<sup>1</sup> CSPs – or 'Crime and Disorder Reduction Partnerships' – bring together a range of local agencies and have a statutory responsibility for reducing crime and disorder, substance misuse and re-offending in a local area. There are about 320 CSPs in England and Wales.

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victim or the perpetrator. Panels may also include agencies invited for their expertise (e.g. regarding particular communities). The final ‘product’ takes a documentary form, and an Overview Report and Executive Summary should normally be published. By 2018, 500 DHRs had been completed (Mullins and Cordy, 2018).

### **Wither ethics?**

In practice, ethics influence how professionals operate in a complex world, including how they interact with others and deliver their stated goals (Rowson, 2008). Yet, on ethics, DHRs are similar to fatality reviews more broadly: little has been written (Dale et al., 2017, p.232). Instead, the extant literature has focused on the aggregation and secondary analysis of data (Home Office, 2016a; Sharp-Jeffs and Kelly, 2016; Chantler et al., 2020). While ethical issues are largely overlooked, some studies foreclose ethical considerations by viewing DHRs instrumentally. For example, one study used DHRs to explore predictors for domestic homicide but presents them uncritically as a data source (Bridger et al., 2017, p.95). My practice experience has led me to treat such certitude about reliability and validity with caution when DHRs are – as I shall explore below – a contingent process of meaning-making in a multi-agency setting. In another example, Benbow et al. make a valuable contribution about older people and domestic homicide but simply note that ethical approval was not required because DHRs are published documents (Benbow et al., 2019, p.1103). As a researcher, I am troubled by the absence of further consideration because, although DHRs are anonymised and published, they remain sensitive. Like much open access data, this raises questions of use, whether anonymity can or should be preserved, and possible harms (Sugiura et al., 2017).

One way to conceptualise ethics in DHRs is to focus on ‘decision-making moments’, a term used by Albright et al. (2013) when they utilised an evaluation framework to explore fatality review ethics. They note that such moments, which emerge during review organisation and conduct, are particularly affected by differing perspectives in multi-agency panels (ibid., p.451). These moments can be wide-ranging, with Dale et al. (2017, p.231) highlighting that individual participants, multi-agency panels, and communities can be affected, while Bent-Goodley (2013) has explored the importance of cultural competence if fatality review is to be responsive to victims from minoritised communities.

Yet, our knowledge of decision-making moments in DHRs is limited: there is scant research into how multi-agency panels are built and work together, including how they make sense of a homicide and how this knowledge is used (Rowlands, 2020, p.18). Nonetheless, such moments exist. First, the statutory guidance notes that dispute and challenge are part of the DHR process. Alas, it does not suggest how to meet these challenges, bar prescribing their resolution and clarifying that the sponsoring government department will not be an arbiter (Home Office, 2016b, p.11). Second, researchers have begun to identify issues spanning the DHR process. Some have noted that stereotypes may affect decisions to conduct DHRs (Benbow et al., 2019, p.1117). Others have highlighted that the account of a homicide in a DHR may be mediated by several factors (Stanley et al., 2019, p.70), including some voices being favoured over others (Robinson et al., 2019, p.22). Additionally, the quality of DHRs is variable (Chantler et al., 2020, p.491) and, despite the presumption of publication, many are unavailable (Bridger et al., 2017, p.95).

All these issues merit consideration, but this paper focuses on a particular ethical issue, specifically the representation of the homicide victim. DHRs take the form of a biographical case review (Watt, 2010, p.63). That is, each DHR scrutinises an individual case, thereby revealing its ‘unique trajectories’ (Websdale et al., 2019, p.5). In part, this is achieved by attending to a victim’s experiences. Thus, the statutory guidance emphasises that ‘the narrative of each review should articulate the life through the eyes of the victim (and their children)’ (Home Office, 2016b, p.7). In short, a victim’s voice should be heard in DHRs (Monckton-Smith, 2012, p.146). However, there is a taken-for-granted assumption that this is possible when it is, in fact, unclear if and how this can be achieved.

### **Conceptualising victim voice**

The importance of victim voice can appear self-evident and aligns with feminist research interests about marginalised voices (Hesse-Biber, 2012; Westmarland and Bows, 2019, p.14). Indeed, questions of voice and representation have been a major concern (Ryan-Flood et al., 2010, p.2), leading to an attention to ‘situated knowledges’ (Haraway, 1988).

While a commitment to victim voice is welcome, a first consideration is whether this is even possible. To illuminate fatality review processes, one scholar imagined a dialogue between a researcher and a ‘battered woman’. A statement by the latter encapsulates the problem: ‘This is romantic gobbledygook. How can you see

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it through her eyes? She's dead!' (Websdale, 2005, p.1189). Methodologically, this can be articulated starkly; for example, the dead cannot be interviewed (Weil, 2016, p.1130). This raises a host of issues, not least the practices that DHRs use to hear victim voice by proxy, including examining encounters with professionals and accounts by family and friends (and sometimes the perpetrator).

However, my ethical concern is conceptual: a DHR must grapple with the fact that death renders the subject of its enquiry silent. In that subject's place, a body remains and becomes the focus for discourse and practice (Hallam et al., 1999; Troyer, 2020). Around this body, a new identity comes into being, which is contested or constituted by the interplay of different practices, technologies and objects (Hockey and Draper, 2005). The same may be said for any documentary accounts left by the victim (e.g. a diary). Thus, DHRs might be conceptualised as an example of a Foucauldian 'technology', which include technologies of production, sign systems, power and self (Deleuze, 1992, pp.17–18). As a technology of power, DHRs are a process of knowledge generation (during which a multi-agency panel engage in meaning making), and a textual object in their final documentary form (Riles, 2006). In their doing, DHRs generate an account of a homicide. They thus describe and then evaluate the (dead) subject and so objectivise them (Foucault, 1988, p.18). Herein is the risk (and the focus of ethical concern): despite claims to hear a victim's voice, the subject is instead objectified.

The statutory guidance governing DHRs illustrates this potential. As noted above, it asserts the importance of narrating a victim's life, yet this exhortation is not included in the previously described purposes of DHRs. Thus, victim voice is not foregrounded. Moreover, victims are instrumentalised: in describing the purposes of DHRs, victims are represented as *objects* (to be learnt from or better protected) rather than being *subjects* (who can be heard).

Such objectification can also be observed in practice. To provide one example, in 2015, a 51-year-old woman was murdered by her partner. A DHR was subsequently completed, in which the victim was known as 'Adult A' (Blockley, 2016). Ingala Smith – who names the victim<sup>2</sup> – asserts that the DHR is an example of how victims are written out of the narrative of their own deaths, highlighting in particular how the victim is framed (2017). I find this argument convincing. For example, the DHR states:

'On the occasions when interventions, advice and support were offered it wasn't taken. Both Adult A and Adult B had capacity and so were free to make choices... there are many barriers that effect [sic] victims of abuse and the difficulties associated with them, however there was information provided to Adult A on several occasions although the review cannot ascertain why she did not engage with those services' (Blockley, 2016, p.33).

Despite acknowledging barriers to support, this account draws on a neo-liberal discourse of personal responsibility (Stringer, 2014) and is concerned with Adult A's obligation to protect herself. Her failure to do so means she fails to be an 'ideal victim' (Christie, 2018), a standard unattainable to many victims of domestic abuse who are often seen as accountable for their victimisation, not least because of their intimate relationship with a perpetrator (Meyer, 2016). This precludes an exploration of Adult A's 'complex personhood', a concept Gordon (1997, p.4) has used to capture multifaceted and sometimes contradictory subjectivity.

While further research into the accounts offered by DHRs is required, this single example illustrates how the subjectivity of a victim can be discarded in practice. In effect, particular discourses diminish some discursing subjects (Foucault, 1980, p.85). Given this, we might conceptualise victim voice as an example of 'subjected knowledge'. In addition to the discourses that shape the narratives employed, we might also attend to the rules and standards of DHRs. Taken together, along with the failure to foreground victim voice in the purposes of DHRs, a process that nominally seeks victim voice may fail to hear (Stauffer, 2015, p.83). This may also be an example of 'hermeneutical injustice', whereby subjects are marginalised as a consequence of limited interpretative resources available to attend to their experiences (Fricker, 2007, p.147). This highlights the paradoxical risk at the heart of DHRs: they may seek to hear a victim's voice and to tell their story, but the victim may be marginalised in the telling.

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<sup>2</sup> This raises a specific ethical issue, because the anonymity afforded by DHRs is partial and temporary: the subject(s) can be identified by matching the anonymised DHR with media reports (Websdale, 2020, p.14). In the case of Adult A, I have chosen not to name her, although Ingala Smith does. Both decisions have ethical dimensions. Am I guilty of objectification by reusing a cipher? For Ingala Smith, what are the implications of naming, particularly in the absence of consent?

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## Where next?

While further study is required to trace discursive practices and conceptualise victim voice, I want to round off this paper with some reflection on practices that might help foreground a victim's subjectivity. One way of doing this may be to concern ourselves with 'situated knowledges' whereby the object of knowledge (in this case as produced by the DHR) is recognised as being both an actor and an agent (Haraway, 1988, p.592). Operationalising these concepts is challenging, although Wilson et al. (2015) have used fatality review findings in New Zealand to re-frame professional accounts to better attend to victim experience. For my part, perhaps I can reflect on my practices (and that of other independent chairs), which include:

- Using a picture of the victim (e.g. asking the multi-agency panel to imagine someone as a person, make a commitment to them as such and regularly returning to this);
- Using a victim's name rather than more distancing forms (e.g. agency documents often use a victim's initials);
- Centring the victim's experience (e.g. by asking "how might they have experienced this?" or "what options might they have felt were available?"); and
- Unpacking accounts (e.g. fully describing the context of violence and abuse, attending to victim agency *and* the actions of the perpetrator, underpinned by an intersectional and ecological analysis).

Given family and friends often serve as a victim's proxy, a similar risk arises: their accounts may also be subjugated, as evidenced by Robinson et al. (2019, p.22). While the statutory guidance sets out requirements around engagement (Home Office, 2016b, pp.17–19), efforts to secure involvement or enable participation may be 'punctual'. That is, for a specific purpose that is limited in scope, and perhaps more about liaison, with fatality review itself remaining principally concerned with expert perspectives (Neuilly, 2013, p.343). As a result, we might also ask how to engage ethically with these stakeholders, including what participation might involve (Cook, 2012, p.4). That might include:

- The opportunity to provide a Pen Portrait<sup>3</sup>;
- Treating accounts with the same status as agency information (e.g. with consent, documenting these directly rather than simply summarising them); and
- Facilitating multiple opportunities for meaningful involvement over time.

How might we do this? Stauffer identifies the importance of openness, but critically a willingness to hear what is said even if it challenges one's own assumptions about the world (Stauffer, 2015, p.80). She also suggests taking an active role by listening for those moments when something is not heard (ibid., p.165). This is similar to attending to that which is fully, partly or apparently absent by seeking the ghosts that haunt accounts (Gordon, 1997). Perhaps a focal concern then may be to destabilise professional and agency narratives that can operate to subjugate a victim's story in a DHR. A life lived is complex. In undertaking DHRs, to borrow a metaphor from Kvale, we are not mining for knowledge that is simply waiting to be found (1996, p.3). Broadly put, for both practitioners and researchers, we might attend to discursive practices in DHRs. That includes asking how a victim's identity is discursively constituted after death (Hallam et al., 1999, p.88) and how their story is told, particularly if accounts of what happened are contested (Stanley and Manthorpe, 2004). Likewise, what is considered worth reporting and whose voice counts (Humphreys et al., 2017)? Or what discourses are enacted, reproduced or legitimated (van Dijk, 1996), for example regarding the conceptualisation of violence (Walby and Towers, 2017) or attribution of responsibility (Dawson, 2018)?

These considerations have conceptual and practical implications. Unfortunately, while the statutory guidance addresses the doing of DHRs, there is no code of conduct to frame ethical considerations, nor has the tension between publication and anonymity been resolved. There is an urgent need to address these matters. In the interim practitioners could attend to decision-making moments in a DHR, including being aware of the balance of voices being heard, as well as recognising silence. Meanwhile, for researchers, attention to discursive practices would ensure that knowledge produced in DHRs is recognised as being contingent. Regardless of one's role in DHRs, perhaps this reflection, which I wrote after meeting a victim's friend, might serve as a useful starting point:

'What right do I have to be there... And how do I make sense [of what is told] in a way that honours the sharing? ... Am I sufficient as a witness?' (24<sup>th</sup> March 2020)

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<sup>3</sup> A description of someone as a person (e.g. their personality, their likes and dislikes), their history (e.g. over their life course or more recently) as well as their needs or experiences. Pen Portraits may also have additional elements, e.g. reflections on the impact of someone's death or what their loved ones hope will change.



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## Conclusion

This paper has problematised some of the taken-for-granted assumptions about victim voice in DHRs. Following an overview of the DHR process, the relative lack of engagement with ethical issues was considered. While there are a range of ethical issues in the doing of DHRs which would benefit from attention, the focus has been victim voice. This is a central principle in DHRs, but it is neither foregrounded in the statutory guidance's description of purposes nor have the epistemological challenges arising from this endeavour been explicated. By approaching victim voice as an example of subjugated knowledge it is possible to consider implications for both practitioners and researchers, including the extent to which discursive practices shape what is heard. In so doing, this paper has also highlighted the steps that practitioners and researchers could take to more fully attend to the ethics of DHRs, in particular the question of victim voice.

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